

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

15 NOVEMBER 2023
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to further manage unauthorised encampments in the city since the last report on the 20 September 2023.
- 1.2 This report comprises input from Environmental Health (site repossession), Planning (planning policy and site identification) and Housing (site development and management).

2. Recommendations

- 2.1 That the report is noted.

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3. Background

- 3.1 This report is an update on activities since the last report to your Committee on 20 September 2023.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.
- 3.3 The strategy employed by the City Council to manage unauthorised encampments is contained within a Memorandum of Understanding between the City Council and West Midlands Police (WMP) and is entitled a “Joint Protocol on the Management of Unauthorised Encampments” and is currently at edition 9 dated March 2020. This edition incorporates the presence of the transit sites.
- 3.4 A transit site is an authorized site where members of the travelling community can be directed when in the city area. A transit site typically provides a hard standing for holding caravans, a secure boundary and basic sanitary provision including potable water, often at a communal level. Most sites will have some measure of lighting and some will have provision for electricity.
- 3.5 Birmingham City Council presently has one functional site at Proctor Street affording space for 15 caravans, planning consent granted for a second site at Aston Brook Street East affording space for 4 caravans, and a further site at Tameside Drive which has space for around 11 caravans.
- 3.6 It has been clarified that the identification and approval for the allocation of transit sites lies with colleagues within Planning Policy. The details of the GRT need for both settled and transit site provision is contained within the Birmingham Development Plan and the GRT needs assessment within that. The operational provision of site(s) and the day-to-day services/operations is a housing function and is to be delivered by the Housing Department. This will leave your officers from within Environmental Health to focus on recovery of land.

4. Site Provision Update

- 4.1. In order to identify the need for both permanent and transit pitches, a revised Gypsy and Traveller Accommodation Assessment (GTAA) has been commissioned which is currently being prepared by RRR Consultancy who are experienced consultants in this field. The new GTAA will assess current needs (2023-2028) and future needs (2028-2042) and a draft report showing preliminary findings is due to be completed by the end of November 2023. The GTAA will therefore inform requirements for site provision for permanent and transit GRT pitches over the coming years to be set out in the new Local Plan.

4.2. Alongside this work, an extensive site search is continuing in order to identify potential sites for pitches to be allocated within the new Local Plan to meet needs. A draft of the Local Plan is due to be published in May 2024 which will contain proposals for potential sites for this purpose. At present, the site search itself is focusing on Council-owned sites across the city and, currently, three sites are being investigated further to assess their potential.

5. Transit Site Update

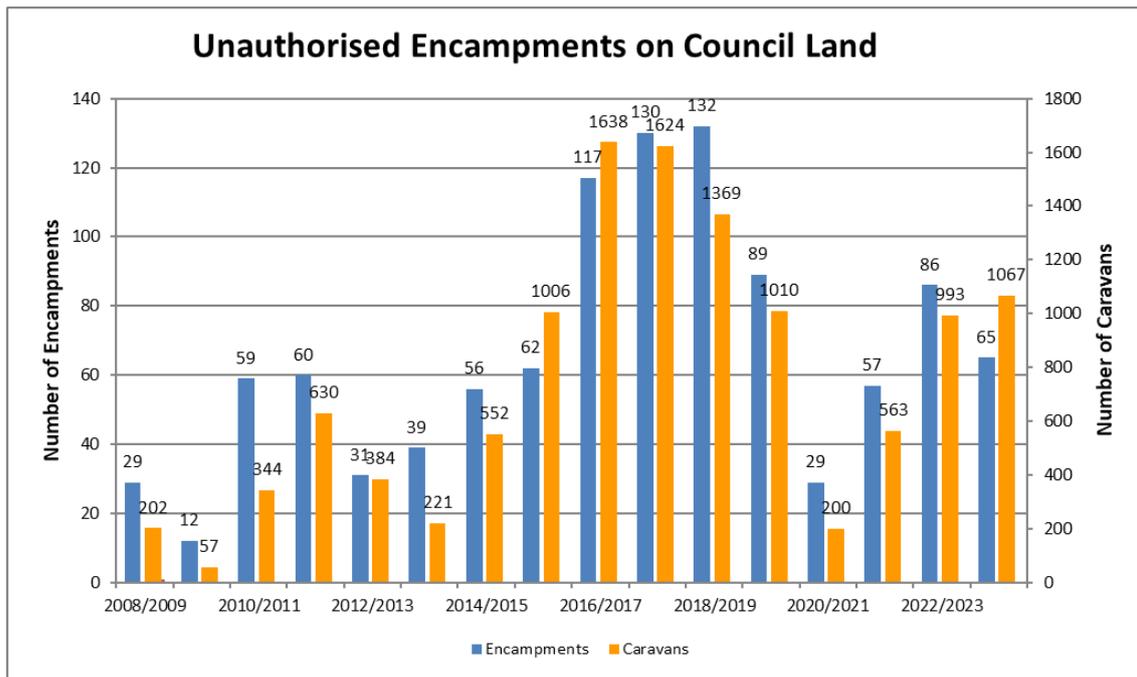
5.1. As previously reported, colleagues in Housing and the Place, Prosperity and Sustainability Directorate have applied for capital funding to develop the two transit sites identified in the Birmingham Development Plan (BDP). The funding applications to Homes England and DLUHC were both rejected.

5.2. Proctor Street transit site has been operational since 1st November 2020 and has seen almost constant use, excepting when closed pending repairs. The report taken to your Committee last November explained how that use had evolved from normalised use pre-lockdowns through to the challenges brought about by the lockdowns and persisting through to the date of the report. There has been no change in the behaviour of the travelling community in Birmingham since November ultimately leading to the site having been repossessed and closed pending repairs since mid-January.

5.3. Housing have made good progress with repairs to Proctor Street Transit Site but are pending National Grid attendance to reinstate the electrical supply to the site; an instruction and payment has been made to National Grid and a visit date is pending. Once this work has been carried out, a final electrical test can take place and the site will be ready to reopen. A pre-start meeting has taken place with RingGo to ensure the facility is available to take rental payments for when the site reopens.

6. Unauthorised Encampments

6.1. The number of incursions and associated caravans on council land is displayed in the graph below. This shows the trend data for total encampments per financial year since 2008/2009 with the final column showing data for 2023/2024 up to the end of September.



- 6.2. Although the number of encampments on Council land has dropped in the years after the transit site opened in 2019 it should be borne in mind that this also covers the period encapsulated by the pandemic and as such the circumstances have not been 'normal'.
- 6.3. The numbers of unauthorised encampments in 2022/23 is almost level with the numbers seen in the pre-Covid year of 2019/20 up to when the first lockdown commenced. During 2022/23 the transit site was occupied in seven instances.
- 6.4. This unauthorised use of the Proctor Street Transit Site has led to increased pressure on that neighbourhood and both EH and WM Police have come under pressure to deal with the behaviour of occupants of the site. Having additional Transit sites with effective management would alleviate some of the pressures being experienced in and around Proctor Street.
- 6.5. At present, during 2023/2024 the numbers of UE may be slightly down on previous years, although there remain five full months which may well see the numbers match the previous years. Importantly, the numbers of caravans has already passed that of the previous four years (two during lockdown) suggesting that the average size of encampments has increased.

7. Strategic Management of Unauthorised Encampments

- 7.1. As noted in the background the strategic approach to managing unauthorised encampments is contained within a joint protocol between BCC and WMP. This protocol presently relies on the use by WMP of powers under the Criminal Justice and Public Order Act 1994 to direct groups to the transit site where their stay in the city can be 'managed'.

- 7.2. The current version of the protocol is edition 9 and incorporates the use of transit sites. Discussions are ongoing between BCC and WMP on effective management of the transit site in the event of a UE being established and the outcome from those meetings will likely give rise to an update to the protocol.
- 7.3. An action plan is also in development covering the management of the transit site with contribution from relevant stakeholders.

8. Consultation

- 8.1. The report is for information and, therefore, no consultation has been undertaken.
- 8.2. Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

9. Implications for Resources

- 9.1. Regulation and Enforcement is responsible for the assessments leading up to legal action, the service of notices and arrangement of resources for an eviction to occur. The default costs (bailiff actions), the repair of land and its cleansing, is borne by the land owning departments. The Environmental Health resources employed in carrying out the work detailed in this report are contained within the approved budget available to your Committee.
- 9.2. The resources required for identifying and gaining strategic approval for the allocation of transit sites lies with colleagues within Planning Policy
- 9.3. The resources required for developing and managing transit site operations is the responsibility of the Housing Department.

10. Implications for Policy Priorities

- 10.1. The work to provide a good quality transit site provision meets with the statutory duties the council has for all residents of Birmingham, which includes the travelling community. It also means that Birmingham is an entrepreneurial city to learn, work and invest in.
- 10.2. This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

11. Public Sector Equality Duty

- 11.1. The management of unauthorised encampments is a process that affects groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travelers.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil